

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

DSS TECHNOLOGY MANAGEMENT, )  
INC. )  
Plaintiff, ) CIVIL ACTION NO. 6:15-CV-692  
v. ) JURY TRIAL DEMANDED  
QUALCOMM INCORPORATED. )  
Defendant. )

## DECLARATION OF SHAWN COLE

I, Shawn Cole, declare as follows:

1. My name is Shawn Cole. I am over the age of twenty-one and am competent to make this declaration. The statements herein are based on my personal knowledge, in some cases based on review of corporate records. If called upon as a witness I could and would testify to their truth.

2. I am currently employed by Qualcomm Technologies, Inc. (“QTI”), which is a subsidiary of defendant Qualcomm Incorporated (“Qualcomm”). I work at QTI’s corporate headquarters in San Diego, California. My title is Director, Sourcing.

3. I am told that plaintiff DSS Technology Management, Inc. (“DSS”) has alleged, among other things, that Qualcomm infringes U.S. Patent No. 5,965,924 and U.S. Patent No. 6,784,552 which allegedly relate to details regarding the structure resulting from the 20 or 28 nanometer process node employed to create the accused devices.

4. Qualcomm and QTI are Delaware corporations that each have their principal places of business in San Diego, California.

5. QTI is a fabless semiconductor company, meaning it does not itself manufacture the accused 28nm or 20nm semiconductor chip products. Rather, semiconductor wafers are typically manufactured by one or more third party foundries including Taiwan Semiconductor Manufacturing Company Limited (“TSMC”), Samsung Electronic Co., Ltd. (“SEC”), GlobalFoundries (“GF”), Semiconductor Manufacturing International Corporation (“SMIC”), and United Microelectronics Corp. (“UMC”). The majority of the accused 20 and 28nm products were fabricated, diced and/or packaged abroad, and then delivered to customers abroad. A small portion of the wafers that contained die used in products accused in this case were fabricated in the State of New York by one of the suppliers. Those wafers were subsequently

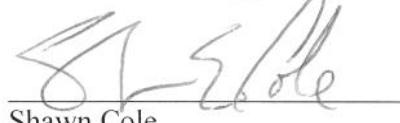
exported by the fabricator to locations outside the USA for dicing and final assembly. I am aware of no wafers relevant to this lawsuit having been manufactured in the state of Texas.

6. None of the employees in Qualcomm's or QTI's offices located in the State of Texas were involved in the procurement of the 20nm or 28nm wafers or chips at issue in this lawsuit.

7. QTI's 20 and 28 nanometer devices are largely fabricated, packaged, and delivered to customers outside the United States.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on Feb 23, 2016.



\_\_\_\_\_  
Shawn Cole  
Director, Sourcing  
Qualcomm Technologies, Inc.